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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/113,868 07/10/98 DUNN

S	MRI-1002US
EXAMINER	

QM61/0319

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WI/PT	ART UNIT. P	PAPER NUMBER
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3744
DATE MAILED:

03/19/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/113,868

Applicant(s)
DUNN et al.

Examiner
Pamela A. Wilson

Group Art Unit
3744



☒ Responsive to communication(s) filed on Jul 10, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☒ Claim(s) 20 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s): _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948 (SUBSTITUTE)

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 7 and claim 13, line 3 the limitation of the peg being "positioned relatively close" is vague and not definitive in nature, and is considered to be indefinite unless it is defined in the specification of the instant application.

Similarly, in claim 1, line 9 and claim 13, line 5 the limitation that the "nipple support member is positioned at a large angle with respect" to the upper face, is vague and not definitive in nature, and is considered to be indefinite unless it is defined in the specification of the instant application.

Regarding claim 1, lines 1, 5 and 10; claim 8, line 2; and claim 19, line 1, the phrases "such as a baby bottle" or "such [as] baby bottles" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Applicant is cautioned to avoid the addition of subject matter which was not described in the specification in

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such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (U.S. Patent No. 5,492,237) in view of Dofka (U.S. Patent No. 5,406,717).

The invention of Chang presents a multiple article drying rack adapted to be supported by an underlying surface, a bottle support means for supporting a baby bottle 14 and a baby bottle disk holding means 18 located on the apparatus which is isolated from standing liquid which may collect on the support means (col. 3, lines 25-44). However, the invention of Chang does not include a tray type of supporting base for the drying rack structure.

The patent disclosed by Dofka presents a drying rack with a tray 1 which provides the supporting base for its rack structure.

Consequently, it is deemed by this examiner that it would have been obvious to one of ordinary skill in this art and having a knowledge of the aforementioned references at the time of the invention, and when considering the prior art as a whole, to have implemented the teachings

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of Dofka to provide the drying rack of Chang with a tray type of supporting base for its drying rack structure for the purpose of allowing any liquid, which has drained from the articles being dried, to be collected in the tray base as the tray functions to support the rack structure by an underlying surface.

Allowable Subject Matter

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Additional Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,469,635 awarded to Lamontagne et al. presents a baby bottle dryer for multiple bottles comprised of a base plate which supports a plurality of rods for supporting the bottles to be dried.

U.S. Patent No. 4,485,929 awarded to Bett, Sr. presents a drying rack system comprised of a plurality of pegs mounted on a support structure.

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U.S. Patent No. 4,238,035 awarded to Kassanchuk discloses a rack comprised of a series of generally vertical rods for enabling the drying of the various components of a baby bottle.

U.S. Patent No. 2,419,040 awarded to Stepanian presents a bottle dryer that supported the bottles in an inverted position and thereby allows liquid to drain off and out of the bottles as they dry.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela Wilson whose telephone number is: 703/308-2620. Information may also be sent to the examiner by facsimile machine at 703/308-7764.

Pamela A. Wilson: paw

February 22, 1999

A handwritten signature in cursive script that reads "Pamela A. Wilson".